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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MOORE, JAMES K

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,079

Applicant(s)

HOSE, DAVID

Examiner

James K Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 76 is/are allowed.
- 6) ☒ Claim(s) 40-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claim 41** is objected to because of the following informalities: in line 4, a comma should be placed between "subscriber output" and "said prioritization information".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 56-66** are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 56 contains the limitation "obtaining, at said network platform, location information regarding a location of said mobile unit from a location source *independent of said mobile unit*".

Claim 62 contains the limitations "receiving first location information regarding said wireless transceiver from a first location finding system, *independent of said wireless transceiver*" and "receiving second location information regarding said wireless

transceiver from a second location finding system, *independent of said wireless transceiver*".

The specification does not provide a description of how location information may be obtained from a location source that is independent of the mobile unit.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. **Claims 67 and 70-75** are rejected under 35 U.S.C. 102(e) as being anticipated by Brohoff (U.S. Patent No. 6,108,533).

Regarding **claim 67**, Brohoff discloses a method for providing location based services in a wireless network (10). The method comprises: receiving, on a network platform (MSC 18) in communication with a subscriber using a mobile unit (19) via an air interface, a service request (inquiry 31) requesting information regarding the location based services; obtaining on the network platform (MSC 18) location information (triangulation data) regarding a location of the mobile unit (19) determined using a network assisted location finding technology; converting the location information from a first form (mobile unit distances to each base station used in the triangulation measurement) into a second form which includes geographical coordinates for the mobile unit; identifying, on the network platform, utilizing the converted location information in the second form, a first service provider (service station) and associated

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first service provider information (name, directions, special offers) based upon the determined location of the mobile unit (19); and outputting the first service provider information to the mobile unit. See Figures 1 and 5; col. 4, line 49 through col. 5, line 10; and col. 6, lines 9-63. The location finding technology provides location information regarding the mobile unit (19) based in part on a position of the mobile unit (19) in relation to a known location of a stationary ground based network device (base station) in communication with the mobile unit (using triangulation). See col. 4, lines 30-39.

Regarding **claims 70-72**, Brohoff discloses all of the limitations of **claim 67**, and also discloses that a local condition (road information) and a service provider location (service station location) is obtained relative to the location of the mobile unit (19). See col. 6, lines 50-63 and col. 7, lines 13-24.

Regarding **claim 73**, Brohoff discloses all of the limitations of **claim 67**, and also discloses that the priority information (location) is stored on the network platform (GDB 21). See Figure 1.

Regarding **claim 74**, Brohoff discloses all of the limitations of **claim 67**, and also discloses that the mobile unit (19) comprises a standard mobile telephone free from any integrated equipment dedicated to location determination, that the technology identifies the location of the mobile unit (19) based on RF transmissions from the mobile unit, and that the location based services are provided to the telephone from the integrated location determination equipment. See col. 4, lines 30-39.

Regarding **claim 75**, Brohoff discloses all of the limitations of **claim 67**, and also discloses that the network platform comprises a mobile telephone network platform

associated with a mobile telephone network switch (MSC 18) and that the service request is received by transmitting a network message to the network platform from the switch. See Figures 1 and 5; col. 4, line 49 through col. 5, line 10.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 40, 42-55, and 69** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brohoff (U.S. Patent No. 6,108,533) in view of Bolduc et al. (U.S. Patent No. 6,157,841).

Regarding **claim 40**, Brohoff discloses a method for providing location based services in a wireless network (10). The method comprises: receiving, on a network platform (MSC 18) in communication with a subscriber using a mobile unit (19) via an air interface, a service request (inquiry 31) requesting information regarding the location based services; obtaining on the network platform (MSC 18) location information (geographic coordinates) regarding a location of the mobile unit (19) determined using a network assisted location finding technology; and identifying, on the network platform, a number of candidate service providers from a database (GBD 21) of service providers, including first and second service providers (service stations) and further identifying first and second service provider information (name, directions, special offers) associated with the first and second service providers based upon the determined location of the

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mobile unit (19). See Figures 1 and 5; col. 4, line 49 through col. 5, line 10; and col. 6, lines 9-63. The location finding technology provides location information regarding the mobile unit (19) based in part on a position of the mobile unit (19) in relation to a known location of a stationary ground based network device (base station) in communication with the mobile unit (using triangulation). See col. 4, lines 30-39.

Brohoff does not disclose that the method comprises storing selection information relating to selecting from the number of candidate service providers a subset of service providers for use in presenting service provider information to a subscriber, selecting one of the first and second service provider information based upon the stored selection information, and outputting the selected service provider information to the mobile unit free from the other service provider information based upon the step of selecting. However, Bolduc discloses a method for providing location based services in a wireless network which comprises storing selection information relating to selecting from a number of candidate service providers (e.g., hotels) a subset of service providers for use in presenting service provider information (e.g., reservations, vacancy information, directions) to a subscriber, selecting one of the candidate service providers based upon the stored selection information, and outputting the selected service provider information to the mobile unit free from the other service provider information based upon the step of selecting. See col. 3, lines 6-31. Bolduc accomplishes this through the use of menus and sub-menus. One of ordinary skill in the art recognizes that the advantage of using sub-menus is that less information is provided to the display of the mobile unit user at one time, thereby allowing the

information to be displayed in a larger font and making it easier for the user to read.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brohoff with Bolduc, such that the method comprises storing selection information relating to selecting from the number of candidate service providers a subset of service providers for use in presenting service provider information to a subscriber, selecting one of the first and second service provider information based upon the stored selection information, and outputting the selected service provider information to the mobile unit free from the other service provider information based upon the step of selecting, in order to provide the selected service provider information to the user in an easy-to-read format.

Regarding **claim 42**, Brohoff in view of Bolduc teaches all of the limitations of **claim 40**, and Brohoff also discloses that output information regarding a plurality of the candidate service providers is provided to the mobile unit, that the output information is provided based on prioritization information, and that the prioritization information is based on proximity. See col. 6, lines 9-63.

Regarding **claim 43**, Brohoff in view of Bolduc teaches all of the limitations of **claim 40**. Brohoff does not disclose that the method comprises accessing stored subscriber defined prioritization criterion information. However, Bolduc's method for providing location based services comprises accessing stored subscriber defined prioritization criterion information. See col. 4, lines 27-33. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brohoff with Bolduc, such that the method comprises accessing stored subscriber defined

prioritization criterion information, so that the service provider information may be presented to the subscriber in a form that best suits his individual preferences.

Regarding **claim 44**, Brohoff in view of Bolduc teaches all of the limitations of **claim 43**, and Bolduc also discloses that the subscriber defined prioritization criterion information includes preferences of the subscriber relative to the service request. See col. 4, lines 27-33.

Regarding **claim 45**, Brohoff in view of Bolduc teaches all of the limitations of **claim 40**, and Brohoff also discloses that the network assisted location finding technology utilizes cell/sector (base station) technology to analyze signals communicated between the network platform (MSC 18) and the mobile unit (19). See col. 4, lines 30-39.

Regarding **claim 46**, Brohoff in view of Bolduc teaches all of the limitations of **claim 40**, and Brohoff also discloses that the location information regarding the mobile unit (19) is received on then network platform (18) and originates in part from location equipment (at the base station) separate from the mobile unit (19). See col. 4, lines 30-39.

Regarding **claim 47**, Brohoff in view of Bolduc teaches all of the limitations of **claim 40**, and Brohoff also discloses that the location information is received in a first form (geographic coordinates) relating to a topology of the network (location of base stations), that the first form location information is converted into a second form (geographic area), and that the converted location information is used to locate the first and second service providers. See col. 6, lines 50-63.

Regarding **claims 48-50**, Brohoff in view of Bolduc teaches all of the limitations of **claim 40**, and Brohoff also discloses that a local condition (road information) and a service provider location (service station location) is obtained relative to the location of the mobile unit (19). See col. 6, lines 50-63 and col. 7, lines 13-24.

Regarding **claim 51**, Brohoff in view of Bolduc teaches all of the limitations of **claim 40**, and Brohoff also discloses that the information may be outputted as an audio signal (voice message) transmitted to the mobile unit. See col. 4, lines 50-60.

Regarding **claim 52**, Brohoff in view of Bolduc teaches all of the limitations of **claim 40**, and Brohoff also discloses that the information may be outputted as display information (text message) transmitted to the mobile unit. See col. 4, lines 50-60.

Regarding **claims 53 and 73**, Brohoff in view of Bolduc teaches all of the limitations of **claims 40 and 67**, and Bolduc stores the selection information on the network platform.

Regarding **claims 54 and 74**, Brohoff in view of Bolduc teaches all of the limitations of **claims 40 and 67**, and Brohoff also discloses that the mobile unit (19) comprises a standard mobile telephone free from any integrated equipment dedicated to location determination, that the technology identifies the location of the mobile unit (19) based on RF transmissions from the mobile unit, and that the location based services are provided to the telephone from the integrated location determination equipment. See col. 4, lines 30-39.

Regarding **claims 55 and 75**, Brohoff in view of Bolduc teaches all of the limitations of **claims 40 and 67**, and Brohoff also discloses that the network platform

comprises a mobile telephone network platform associated with a mobile telephone network switch (MSC 18) and that the service request is received by transmitting a network message to the network platform from the switch. See Figures 1 and 5; col. 4, line 49 through col. 5, line 10.

Regarding **claim 69**, Brohoff discloses all of the limitations of **claim 67**, but does not disclose that the step of outputting comprises using a prioritization criterion which includes one of financial information, service preference information, subscriber usage profile information, and information regarding the willingness to receive complementary service information. However, Bolduc teaches method for providing location based services which comprises outputting service provider information to a mobile unit using a prioritization criterion which includes service preference information. See col. 4, lines 27-33. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brohoff with Bolduc, such that the step of outputting comprises using a prioritization criterion which includes service preference information, so that the service provider information may be presented to the subscriber in a form that best suits his individual preferences.

8. **Claim 41** is rejected under 35 U.S.C. 103(a) as being unpatentable over Brohoff in view of Bolduc as applied to **claim 40** above, and further in view of Karmel (U.S. Patent No. 6,353,743).

Regarding **claim 41**, Brohoff in view of Bolduc teaches all of the limitations of **claim 40**, and Brohoff also discloses that output information regarding a plurality of the

candidate service providers is provided to the mobile unit, that the output information is provided based on prioritization information relative to a priority for presenting the information to a subscriber output, and that the prioritization information relates to establishing the priority based on the proximity of particular service providers to the mobile unit. See col. 6, lines 9-63. Brohoff does not disclose that the prioritizing

- comprises: providing the location information in a form suitable for distance determinations; determining a first distance between the mobile unit and the first service provider; determining a second distance between the mobile unit and the second service provider; performing a comparison of the first and the second distance; and determining a presentation of the first and second service information based upon the comparison.

However, Karmel teaches a method for providing location based services in a wireless network in which the proximity of service providers to a mobile unit is determined by determining the distance between the mobile unit and the service providers. See col. 5, line 63 through col. 6, line 21. This is an obviously more accurate determination of proximity than Brohoff, where the proximity of service providers to the mobile unit is defined only in terms of neighboring zones. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention, to modify Brohoff's method of determining proximity in view of Karmel, such that the proximity is determined by determining distances between the mobile unit and the service providers, in order to present to the user a more accurate portrayal of its proximity to the various providers.

9. **Claims 56-61 and 68** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brohoff in view of Karmel.

Regarding **claims 56 and 68**, Brohoff discloses a method for use in providing location based services to a communication network user in a wireless network. The method comprises: receiving, on a network platform (MSC 18) in communication with a mobile unit (19) via an air interface, a service request (inquiry 31) requesting information regarding the location based services; obtaining location information (geographic coordinates) regarding a location of the mobile unit (19) from a location source; identifying, on the network platform, first and second service providers (service stations) and associated first and second service provider information (name, directions, special offers) based upon the determined location of the mobile unit (19). See Figures 1 and 5; col. 4, line 49 through col. 5, line 10; and col. 6, lines 9-63.

Brohoff does not disclose that the method comprises providing the location information into a form suitable for distance determinations, determining the distance of each of the first and second service providers relative to the mobile unit, and outputting the first and second service provider information to the mobile unit in a manner that is based upon the determination of distances. However, Karmel teaches a method for providing location based services in which the distance of a service provider relative to a mobile unit is determined, and the distance is output to the mobile unit. See col. 5, line 63 through col. 6, line 21. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brohoff with Karmel, such that the method comprises providing the location information into a form suitable for distance

determinations, determining the distance of each of the first and second service providers relative to the mobile unit, and outputting the first and second service provider information to the mobile unit in a manner that is based upon the determination of distances, in order to inform the user of his exact distance from the service providers.

Regarding **claim 57**, Brohoff in view of Kamrel teaches all of the limitations of **claim 56**, and Brohoff also discloses that the network assisted location finding technology utilizes cell/sector (base station) technology to analyze signals communicated between the network platform (MSC 18) and the mobile unit (19). See col. 4, lines 30-39.

Regarding **claim 58**, Brohoff in view of Karmel teaches all of the limitations of **claim 56**, and Brohoff also discloses that the location information regarding the mobile unit (19) is received on then network platform (18) and originates in part from location equipment (at the base station) separate from the mobile unit (19). See col. 4, lines 30-39.

Regarding **claim 59**, Brohoff in view of Karmel teaches all of the limitations of **claim 56**, and Brohoff also discloses that the prioritization information relates to establishing the priority based on the proximity of particular service providers to the mobile unit. See col. 6, lines 9-63. Brohoff does not disclose that the prioritizing comprises: providing the location information in a form suitable for distance determinations; determining a first distance between the mobile unit and the first service provider; determining a second distance between the mobile unit and the second service provider; performing a comparison of the first and the second distance; and

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determining a presentation of the first and second service information based upon the comparison.

Karmel teaches a method for providing location based services in a wireless network in which the proximity of service providers to a mobile unit is determined by determining the distance between the mobile unit and the service providers. See col. 5, line 63 through col. 6, line 21. This is an obviously more accurate determination of proximity than Brohoff, where the proximity of service providers to the mobile unit is defined only in terms of neighboring zones. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention, to modify Brohoff's method of determining proximity in view of Karmel, such that the proximity is determined by determining distances between the mobile unit and the service providers, in order to present to the user a more accurate portrayal of its proximity to the various providers.

Regarding **claim 60**, Brohoff in view of Karmel teaches all of the limitations of **claim 56**, and Brohoff also discloses that the mobile unit (19) comprises a standard mobile telephone free from any integrated equipment dedicated to location determination, that the technology identifies the location of the mobile unit (19) based on RF transmissions from the mobile unit, and that the location based services are provided to the telephone from the integrated location determination equipment. See col. 4, lines 30-39.

Regarding **claim 61**, Brohoff in view of Karmel teaches all of the limitations of **claim 56**, and Brohoff also discloses that the network platform comprises a mobile telephone network platform associated with a mobile telephone network switch (MSC

18) and that the service request is received by transmitting a network message to the network platform from the switch. See Figures 1 and 5; col. 4, line 49 through col. 5, line 10.

10. **Claims 62-66** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brohoff in view of Hillis (U.S. Patent No. 5,303,297).

Regarding **claim 62**, Brohoff discloses a method for providing location based services to a subscriber of a wireless network. Network location information is available within an area of the network based on a network assisted location finding technology. The location finding technology determines a location of a wireless transceiver (19) of the subscriber within the area of the network based in part on a relationship between the location of the wireless transceiver (19) and a known location of a fixed network structure (base station) in the area of the network (using triangulation). The method comprises: receiving first location information regarding the wireless transceiver (19) from a first location finding system (base station) for locating wireless units within the network; determining a location of the wireless transceiver (19) by accessing a database (GDB 21) that includes the first location information from the first location finding system (base station); identifying a service provider and associated service provider information based upon the determined location of the wireless transceiver (19); and transmitting the service provider information to the wireless transceiver (19). The wireless transceiver (19) provides to the subscriber the service provider information

based on a current location. See Figures 1 and 5; col. 4, line 30 through col. 5, line 10; and col. 6, lines 9-63.

Brohoff does not disclose that the method comprises receiving second location information regarding the wireless transceiver (19) from a second location finding system, different from the first location finding system (base station), or that the database includes the second information. However, Hillis teaches a method for providing location based services to a subscriber of a wireless network utilizing a database (location tracker 34). The method may comprise receiving first and second location information from first and second location finding systems (cellular-based system and GPS-based system) and determining a location of a wireless transceiver by accessing the database (location tracker 34) that includes the first and second location information. See col. 5, lines 7-65. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brohoff with Hillis, such that the method comprises receiving second location information regarding the wireless transceiver (19) from a second location finding system (GPS), different from the first location finding system (base station), and that the database includes the second information, in order to more accurately pinpoint the location of the wireless transceiver.

Regarding **claim 63**, Brohoff discloses all of the limitations of **claim 62**, but does not disclose that the location of the wireless transceiver is determined by using second location information from a second location finding system. However, Hillis teaches a method for providing location based services to a subscriber of a wireless network utilizing a database (location tracker 34). The method may comprise receiving first and

second location information from first and second location finding systems (cellular-based system and GPS-based system) and determining a location of a wireless transceiver by accessing the database (location tracker 34) that includes the first and second location information. See col. 5, lines 7-65. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brohoff with Hillis, such that the method comprises receiving second location information regarding the wireless transceiver (19) from a second location finding system (GPS), different from the first location finding system (base station), in order to more accurately pinpoint the location of the wireless transceiver.

Regarding **claim 64**, Brohoff in view of Hillis teaches all of the limitations of **claim 62**, and Brohoff also discloses that the determination comprises triangulation analysis. See col. 4, lines 30-39.

Regarding **claim 65**, Brohoff in view of Hillis teaches all of the limitations of **claim 62**, and Brohoff also discloses that the determination comprises calculating a point (geographic coordinates) in a polygon (triangle) analysis. See col. 4, lines 30-39.

Regarding **claim 66**, Brohoff in view of Hillis teaches all of the limitations of **claim 62**, and Brohoff also discloses that the current mobile transceiver location is obtained by selecting the first location information. See col. 6, lines 28-63.

Response to Arguments

11. Applicant's arguments with respect to newly amended claim 40 have been considered but are moot in view of the new ground(s) of rejection, as set forth above.

12. Applicant's arguments with respect to claims 41, 62, and 67 have been fully considered but they are not persuasive.

Regarding **claims 41 and 62**, the Examiner maintains the position that it would have been obvious to modify Brohoff with Karmel, since determining the distance between the mobile unit and the service providers is an obviously more accurate way of determining proximity to the service providers than determining which zone the mobile unit is in, and would provide an improvement to Brohoff.

Regarding **claim 62**, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a "location gateway" for aggregating location information from multiple sources) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding **claim 67**, the newly added limitations are disclosed by Brohoff as set forth above.

Allowable Subject Matter

13. Claim 76 is allowed.

14. The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed to a method for providing location based services in a wireless network. The method comprises: receiving, on a network platform in communication with a subscriber using a mobile unit via an air interface, a service request requesting information regarding the location based services; obtaining location information regarding a location of the mobile unit determined using a network assisted location finding technology; identifying first and second service providers and associated first and second service provider information based upon the determined location of the mobile unit; and accessing stored subscriber independent prioritization information relating to a prioritization for presenting service provider information to a subscriber.

Claim 76 identifies the uniquely distinct feature "said stored prioritization information establishing a basis independent of proximity for prioritizing said first and second service provider information".

The closest prior art, Brohoff, discloses a method for providing location based services in a wireless network. The method comprises: receiving, on a network platform in communication with a subscriber using a mobile unit via an air interface, a service request requesting information regarding the location based services; obtaining location information regarding a location of the mobile unit determined using a network assisted location finding technology; identifying first and second service providers and associated first and second service provider information based upon the determined location of the mobile unit; and accessing stored subscriber independent prioritization information relating to a prioritization for presenting service provider information to a

subscriber. However, Brohoff fails to anticipate or render the above underlined limitations obvious.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

2/20/03

JKM


2/21/03

NGUYEN T. VO
PRIMARY EXAMINER